

## **REMARKS**

Applicant has received and reviewed the Final Office Action mailed by the Office on May 3, 2007 (hereinafter, "Final Action"), and submits this response to the Final Action with a request for continued examination (RCE).

Claims 1-4 and 63-77 were pending in the present application. Applicant amends Claims 63, 64, 68, and 72-77 to clarify claimed subject matter and/or correct informalities. The original specification and drawings support these claim amendments at least at pages 4-6, 23 and at least in Figures 2 and 6-8. Therefore, these revisions introduce no new matter.

**Claims 1-4 and 63-77** are for consideration upon entry of the present Amendment. Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

### **Requesting an Interview prior to Office Action**

Applicant appreciates the Examiner's participation in a telephonic conversation on August 1, 2007. Applicant wishes to thank the Examiner for his time and consideration.

As a result, Applicant respectfully requests an interview with the Examiner to discuss this Response, prior to the Examiner issuing an Office Action. Applicant submits the amendments in writing in this Response to the Final Office Action.

Applicant submits that all of the pending claims are in condition for allowance.

**Previous Claims Rejections Under 35 USC §112**

Applicant appreciates the Examiner's withdrawal of the 35 USC §112 rejections in the previous Office Action.

**Claim Rejections under 35 U.S.C. §101**

**Claims 72-76** stand rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. Specifically, the Examiner rejected the claims by interpreting the word "logic" as a software or program per se, versus rejecting the claims on "technological arts" (Final Action, page 9).

Applicant amends Claims 72-76 to further clarify features of the claimed subject matter. Applicant amends independent Claim 72 to recite in part, "A computer-readable media for determining values of multiple interrelated parameters of an e-commerce transaction across multiple currencies, having computer-executable instructions on a processor to perform functions comprising:".

**Dependent Claims 73-76** depend directly or indirectly from independent Claim 72, and thus are allowable as depending from an allowable base claim. Applicant respectfully requests that the §101 rejections be withdrawn.

**Claim Rejections under 35 U.S.C. §102**

**Claims 64-69, 71-77, and 2-3** are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 6,460,020 to Pool et al. (hereinafter "Pool"). Applicant respectfully traverses this rejection.

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 64**, to clarify further features of the subject matter. Claim 64 now recites:

A computer-implemented method for determining values of multiple interrelated parameters of an e-commerce transaction across multiple currencies to manage a sales risk, comprising:

linking the multiple interrelated parameters of the e-commerce transaction in one or more feedback loops such that calculating each parameter affects calculating at least some of the other parameters;

wherein calculating each parameter provides an output value used as one of multiple input values for calculating at least some of the other parameters, and calculating each parameter uses as input the output values from calculating at least some of the other parameters;

calculating the multiple interrelated parameters using output values from one calculation as input values for the **next calculation until values within respective thresholds are achieved for each parameter**;

**determining the values of the multiple interrelated parameters based on the respective thresholds**;

wherein achieving the respective thresholds for each parameter comprises monetary conversions, set parameters, a market spot price relating to currency, or an adjustment to a set currency price; and

**managing the sales risk based on the values of the multiple interrelated parameters.**

Applicant respectfully submits that no such method for determining values of multiple interrelated parameters of an e-commerce transaction is disclosed by Pool.

**Pool Fails to Disclose Respective Thresholds**

The Office cites col. 7, lines 28-42 and Appendix II of Pool as disclosing “calculating the multiple interrelated parameters using output values from one calculation as input values for the next calculation until values within respective thresholds are achieved for each parameter”, as recited in Applicant’s Claim 1. However, the cited portions of Pool merely describes calculations for packaging, shipping, taxes, duties, and

insurance of the transaction process and Appendix II merely shows freight options a customer can select from and four different ways to calculate air and sea transport costs. The cited portions of Pool do not appear to relate to “calculating values within respective thresholds are achieved for each parameter”, as recited in Applicant’s Claim 1. If the rejection is maintained, Applicant respectfully requests the Examiner to explain what teachings of col. 7, lines 28-42 and Appendix II of Pool correspond to Applicant’s recited claim features.

Thus, Applicant asserts the evidence presented by the Office fails to show Pool discloses “calculating the multiple interrelated parameters using output values from one calculation as input values for the next calculation until values within respective thresholds are achieved for each parameter”, as recited in Applicant’s Claim 64.

Furthermore, Pool does not disclose, discuss, or suggest determining multiple interrelated parameters by “calculating the multiple interrelated parameters using output values from one calculation as input values for the next calculation until values within respective thresholds are achieved for each parameter; determining the values of the multiple interrelated parameters based on the respective thresholds; wherein achieving the respective thresholds for each parameter comprises monetary conversions, set parameters, a market spot price relating to currency, or an adjustment to a set currency price; and managing the sales risk based on the values of the multiple interrelated parameters”, as recited in Applicant’s Claim 1.

Consequently, Applicant respectfully submits that Claim 64 is not anticipated by Pool and requests that the §102 rejections be withdrawn.

**Independent Claims 72 and 77** as amended, are directed to a computer readable media and to a computerized system, and each is allowable for reasons similar to those discussed above with respect to Claim 64. For example, Pool fails to disclose “means for determining the values of the multiple interrelated parameters based on the respective thresholds; wherein achieving the respective thresholds for each parameter comprises monetary conversions, set parameters, a market spot price relating to currency, or an adjustment to a set currency price; means for managing a sales risk by using the values of the multiple interrelated parameters based on the respective thresholds; and means for displaying at least some of the multiple parameters to each participant in the e-commerce transaction in a respective currency of each participant”, as recited in Applicant’s **Claim 77**.

**Dependent Claims 65-69, 71, 73-76, and 2-3** depend directly or indirectly from one of independent Claims 64 and 72 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in Claims 64 and 72, are not disclosed by Pool.

Therefore, Applicant respectfully submits that as each and every feature is not disclosed by Pool, there is no anticipation. Applicant respectfully requests that the §102 rejections be withdrawn.

**Claim Rejections under 35 U.S.C. §103**

**Dependent Claims 1, 4, 63, and 70** stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,460,020 to Pool as applied to Claim 64 above,

in view of U.S. Patent No. 5,897,621 to Boesch et al. (hereinafter "Boesch"). Applicant respectfully traverses the rejection.

Turning to **Dependent Claim 1**, which recites the computer-implemented method as recited in claim 64, further comprising:

determining a cost for credit to be extended to a participant of the e-commerce transaction, wherein the credit is extended based upon one or more of the parameters comprising a volume of business a credit provider conducts with a participant, a type of deliverable and collateral for the credit;

calculating a cost for exchange of a first currency to a second currency, wherein the cost of exchange is based upon one or more of the parameters comprising currencies involved in the transaction, an aggregate volume of currency exchanged by the participant and the amount of the associated transaction, and is effective for a predetermined period of time; and

calculating an aggregate price to the customer for the good or service, wherein the aggregate price comprises an aggregate of the cost of credit, the cost for exchange of currency and the amount of first currency relating to the price of the deliverable.

Applicant respectfully submits that no such method is disclosed, taught or suggested by Pool or Boesch.

**Pool and Boesch Fail to Teach or Suggest Features of Claims**

First, Applicant asserts the Office has failed to establish a *prima facie* case of obviousness. The Office states that Pool does not explicitly teach the features of Claims 1 and 70 (Final Action, page 7). Applicant agrees with this assessment.

As explained above with respect to the rejection under §102, Applicant submits that Pool fails to disclose the features of independent Claim 64. **Dependent claims 1, 4, 63, and 70** depend directly or indirectly from independent Claim 64, and are allowable as depending from an allowable base claim. These dependent claims are also allowable for

their own recited features that, in combination with those recited in Claim 64, are not taught, or suggested by Pool or Boesch.

Second, Boesch does not compensate for the deficiencies of Pool. Boesch is directed towards a system and method for determining approval of a multi-currency transaction (Abstract). The server accounts in Boesch represent real cash, credit, etc., corresponding to the electronic funds stored in the customer and merchant accounts (col. 4, lines 21-24). Virtual and actual settlement represent movement of the electronic funds to a merchant account (col. 6, lines 21-22, 28-30).

Thus, Pool and Boesch, alone or in combination, do not teach or suggest “calculating the multiple interrelated parameters using output values from one calculation as input values for the next calculation until values within respective thresholds are achieved for each parameter; determining the values of the multiple interrelated parameters based on the respective thresholds; wherein achieving the respective thresholds for each parameter comprises monetary conversions, set parameters, a market spot price relating to currency, or an adjustment to a set currency price; and managing the sales risk based on the values of the multiple interrelated parameters”, as recited in Applicant’s claims. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejections made under §103.

**Modification Renders Primary Reference Unsatisfactory for Intended Purpose**

Second, the MPEP states, “if proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification” (MPEP §2143.01 V.) For

example, using Boesch's transaction system in Pool would render Pool unsatisfactory for its intended purpose. In particular, the transaction system of Pool would be rendered unsatisfactory in receiving the destination input and calculating the cost of delivering the selected product, such as packaging, shipping, taxes, duties, insurance, if modified by the teachings of Boesch's multi-currency transaction system. In addition, Pool checks with the vendor that the products are available through a database, before choosing the various transport options. Therefore, the modification presented would render Pool inoperable. Thus, there can be no motivation to combine the references as proposed.

**There is No Suggestion or Motivation to Modify the Primary Reference**

Third, to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings (MPEP §2142). The Office stated the motivation for modifying Pool to include the steps as taught by Boesch is "to ensure that the parameters are linked to and dependent on other parameter, thereby enhancing the effectiveness and functionality of the system" (Office Action, pg. 9).

Applicant reviews the evidence and submits that the Office has failed to provide sufficient evidence to establish motivation for one of ordinary skill in the art, to modify the system of Pool to include the steps of Boesch. There is insufficient evidence in Pool or Boesch to combine their respective teachings and arrive at the subject matter as claimed. Furthermore, Pool already interacts with the various databases (col. 4, line 2) to provide all the necessary information to complete a transaction (col. 4, lines 21-22). There is no need



to combine the two references, as modifying Pool would not enhance the effectiveness and functionality of Pool. Rather, the modification would slow down the system of Pool (e.g., the delivery and freight routes). The asserted motivation relies on hindsight without evidence of teaching or suggestion to propose the suggested combination. Thus, this rejection is improper for this additional reason.

**Dependent Claim 70** is allowable for reasons similar to those discussed above with respect to Claim 1. For example, Pool and Boesch fail to disclose, teach or suggest “a cost of credit parameter partly determines and is partly determined by a sales price parameter; wherein the cost of credit parameter is partly determined by a creditworthiness parameter; and wherein the sales price parameter is partly determined by the creditworthiness parameter”, as recited in Applicant’s Claim 70.

Regarding **dependent Claim 63**, Pool and Boesch fail to disclose, teach or suggest “currency exchange price parameter comprising one or more of: an upper currency exchange price tolerance parameter and a lower currency exchange price tolerance parameter, and a market spot price”, as recited in Applicant’s Claim 63. The Office has not provided a citation in Boesch teaching or suggesting this feature. If the rejection is maintained, Applicant respectfully requests the Examiner to explain what portions of Boesch correspond to Applicant’s Claim 63. As, Pool and Boesch, alone or in combination, do not teach or suggest this feature, Applicant respectfully requests that the rejection of Claim 63 be withdrawn.

Turning to **dependent Claim 4**, Pool and Boesch fail to disclose, teach or suggest “discounting the cost for exchange according to a volume discount”, as recited in Applicant’s Claim 4. Nowhere is there any mention or discussion of this feature in the

references. As Pool and Boesch, alone or in combination, do not teach or suggest this feature, Applicant respectfully requests that the rejection of Claim 4 be withdrawn.

Applicant respectfully submits that Pool and Boesch do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully request the §103 rejection of these claims be withdrawn.

**Conclusion**

Claims 1-4 and 63-77 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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